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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 GABRIEL GOLDBERG,

11 *Plaintiff,*

12 v.

13 FORUM ENTERTAINMENT LLC,

14 *Defendant.*  
15

Case No.: 2:22-cv-2641

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

*Jury Trial Demanded*

16 Plaintiff Gabriel Goldberg, for his Complaint against defendant Forum  
17 Entertainment LLC, alleges as follows:

18 1. This is an action for copyright infringement by plaintiff, the holder of  
19 the copyright to the photograph described below, against defendant for uses of the  
20 photograph without authorization or permission.

21 **JURISDICTION**

22 2. This action arises under the Copyright Act of 1976, Title 17 U.S.C.  
23 § 101 et seq. This Court therefore has jurisdiction over the subject matter of this  
24 action under 28 U.S.C. § 1331 (federal question) and § 1338 (copyright).

25 **PARTIES**

26 *Plaintiff*

27 3. Plaintiff Gabriel Goldberg is a prominent portrait and entertainment  
28 photographer in Los Angeles.

4. Mr. Goldberg's portfolio is wide-ranging and impressive. His work includes high-end portrait photography for individuals, including celebrities; editorial photography for magazines and trade publications; entertainment photography for film, television, theater, and the arts; as well as commercial and corporate photography used for marketing and advertising.

5. Mr. Goldberg's work has appeared on numerous magazine covers and in prominent advertising campaigns.

6. Because of its creativity and visual appeal, Mr. Goldberg guards his intellectual property against unauthorized uses. Though he sometimes provides his celebrity clients with express or implied licenses to use portrait photographs in connection with head shots and social media, these license grants do not allow for the use of the images in connection with commercial advertising or promotion of third-party goods and services.

7. Mr. Goldberg is domiciled in Los Angeles, California.

***Defendant***

8. On information and belief, defendant Forum Entertainment LLC is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business in Inglewood, California.

9. Forum Entertainment is the owner and operator of the well-known multi-purpose indoor arena currently known as the Kia Forum, which hosts sporting events as well as major music concerts and political rallies, located in Inglewood, California.

10. At the time of the events alleged below, the Kia Forum was known as The Forum presented by Chase (“The Forum”).

11. On information and belief, as to the liability for the claims asserted in this action, Forum Entertainment is the successor-in-interest of the Madison Square Garden Company (“MSG”), which at the time of the events alleged below owned, operated, and/or was responsible for the content on social media accounts associated

1 with The Forum, including without limitation the Instagram account now accessible  
2 at @thekiaforum.

### 3 *Personal Jurisdiction and Venue*

4 12. This Court has personal jurisdiction over Forum Entertainment because  
5 it has its principal place of business in Inglewood, California, in this judicial district,  
6 such that it can be said to be “at home” here.

7 13. Venue in this judicial district is proper under 28 U.S.C. § 1400(a).

### 8 **FACTS SUPPORTING ALL CLAIMS**

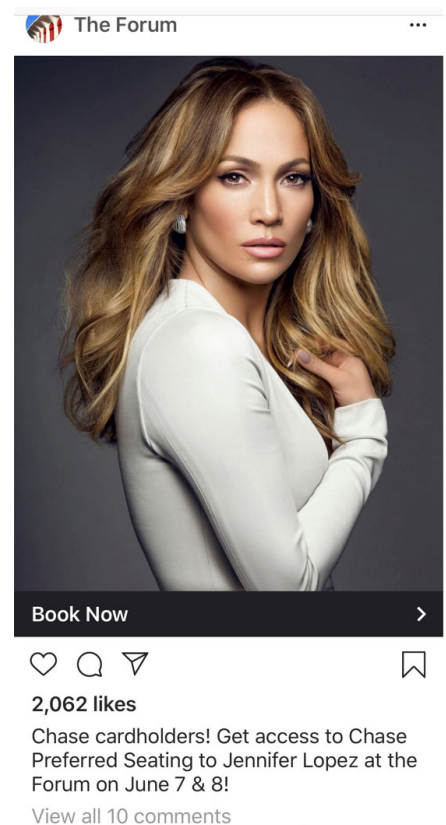
9 14. Defendant used plaintiff’s photographic image without authorization,  
10 permission, license, or justification, as follows:

#### 11 *The Infringement*

12 15. Mr. Goldberg is the owner and exclusive copyright holder of a  
13 photographic image depicting well-known actress and musical artist Jennifer Lopez  
14 (the “Image”). The Image was created for Mr. Goldberg’s clients; Ms. Lopez was  
15 granted a limited-use license—without the right to sub-license—to use it as a head  
16 shot. The Image was registered with the U.S.  
17 Copyright Office as Registration No. VA 2-246-405  
18 (eff. Feb. 22, 2021).

19 16. Mr. Goldberg never licensed the Image to  
20 Forum Entertainment or its predecessor MSG.  
21 Nevertheless, MSG used the Image without  
22 authorization or license from Mr. Goldberg to do so.

23 17. Specifically, in and around 2019, MSG or  
24 its agents copied the Image and used it on social media  
25 advertisements promoting the products and services of  
26 The Forum—namely, a Jennifer Lopez concert being  
27 held June 7 & 8, 2019. An example of such advertising  
28 is shown to the right.



1 18. Mr. Goldberg discovered the MSG's infringement on or about June 21,  
2 2019.

3 19. On information and belief, Forum Entertainment continued to display  
4 the Image on its Instagram social media page throughout 2020 and into 2021.

5 ***Defendant's Infringement Harmed Plaintiff***

6 20. The Image is creative, distinctive, and—as evidenced by Defendant's  
7 misappropriation—valuable. Nevertheless, Mr. Goldberg was not compensated from  
8 the use of the Image in connection with a large-scale, national advertising campaign.

9 21. Defendant's unauthorized use of the Image is commercial in nature, in  
10 that it was used for advertising—that is, it was used to attract customers to buy tickets  
11 to an event occurring at The Forum.

12 **CLAIM ONE**

13 **(For Copyright Infringement, 17 U.S.C. § 501)**

14 22. Goldberg realleges and incorporates by reference the allegations  
15 contained in the preceding paragraphs of this Complaint as if fully set forth here.

16 23. Goldberg is the author and or/copyright owner of the protected Image  
17 named above in this Complaint.

18 24. MSG has reproduced, displayed, or otherwise copied the Image without  
19 Goldberg's authorization or license. Defendant Forum Entertainment is the  
20 successor-in-interest to MSG with respect to the liability incurred as to these claims.

21 25. The foregoing acts of defendant infringed upon the exclusive rights  
22 granted to photographers under 17 U.S.C. § 106 to display and reproduce their work  
23 to the public. Such actions and conduct constitute copyright infringement in violation  
24 of 17 U.S.C. §§ 501 et seq.

25 26. Goldberg has complied in all respects with 17 U.S.C §§ 101 et seq. and  
26 secured and registered the exclusive rights and privileges in and to the copyrights of  
27 the Image in accordance with 17 U.S.C § 408.  
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